APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,724	10/03/2001	Marc Owerfeldt	SUNMP025	1256

25920   7590   06/16/2005

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER
COLLINS, SCOTT M

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/970,724	OWERFELDT ET AL.
	Examiner	**Art Unit**	
	Scott M. Collins	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02/14/2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 examined.

2.   It is hereby acknowledged that the following papers have been received and placed of

record in the file: Request for Reconsideration on 02/14/2005.

Response to Arguments

3.   Applicant's arguments filed 02/14/2005 have been fully considered but they are not

persuasive. Applicant has restated the fundamental claims of their invention and has assessed

the citations given in the Examiner's rejection over RFC 1889. Applicant repeatedly states that

the reference in no way teaches modules in an RTP stack that happen to be independent of the

transport layer. However, fundamental to the interpretation of RFC 1889 is the following

statement in the abstract of RFC 1889: "RTP and RTCP are designed to be independent of the

underlying transport and network layers." To claim RTP modules that happen to be transport-

independent is to claim that which is inherent in RTP itself. The examiner stands on the previous

rejection.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by RFC 1889.

6.   Referring to claim 1, RFC 1889 has taught a transport-independent real-time transport

protocol (RTP) stack (RFC 1889 abstract and section 1), comprising:

a. a transport-independent tasks module, wherein the transport-independent tasks module includes methods that are independent of an underlying transport layer (RFC 1889 abstract and section 1); and

b. a connector module in communication with the transport-independent module, wherein the connector module includes methods that are dependent on the underlying transport layer (RFC 1889 section 10).

7. Referring to claims 2 and 3, RFC 1889 has taught the transport-independent RTP stack wherein the connector module includes data input and output methods which are utilized by the transport-independent tasks module to communicate with the underlying transport layer (RFC 1889 section 3, definitions of port, transport address, RTP session, Synchronization source, and contributing source; and section 10).

8. Referring to claims 4 and 5, RFC 1889 has taught the transport-independent RTP stack wherein the data input and output methods include an RTP input or output stream method that returns an RTP input or output stream to a calling method, respectively (RFC 1889 section 7.1, definitions of translator and mixer).

9. Referring to claims 6 and 7, RFC 1889 has taught the transport-independent RTP stack wherein the data input and output methods include a real-time transport control protocol (RTCP) input or output stream method that returns an RTCP input or output stream to a calling method, respectively (RFC 1889 section 6.2, paragraphs 1-4).

10. Referring to claim 8, RFC 1889 has taught A real-time transport protocol (RTP) connector module (RFC 1889 abstract and section 1), comprising:

a.   an RTP output stream method that returns an RTP output stream to a calling

method (RFC 1889 section 7.1, definitions of translator and mixer);

b.   an RTP input stream method that returns an RTP input stream to a calling method

(RFC 1889 section 7.1, definitions of translator and mixer);

c.   a real-time transport control protocol (RTCP) output stream method that returns

an RTCP output stream to a calling method (RFC 1889 section 6.2, paragraphs 1-4); and

d.   an RTCP input stream method that returns an RTCP input stream to a calling

method (RFC 1889 section 6.2, paragraphs 1-4).

11.   Referring to claims 9 and 10, RFC 1889 has taught the RTP connector module wherein

the RTP connector module generates transport-independent input/output streams and provide

access to a particular type of underlying transport layer. (RFC 1889 section 3, definitions of port,

transport address, RTP session, Synchronization source, and contributing source; and section

10).

12.   Referring to claims 11 and 12, RFC 1889 has taught the RTP connector module wherein

the RTP connector module is in communication with a transport-independent tasks module,

wherein the transport-independent tasks module includes methods that are independent of the

underlying transport layer and processes the transport-independent input/output streams using

transport-independent operations (RFC 1889 abstract; section 3, definitions of port, transport

address, RTP session, Synchronization source, and contributing source; and section 10).

13.   Referring to claim 13, RFC 1889 has taught the transport-independent real-time transport

protocol (RTP) stack (RFC 1889 abstract and section 1), comprising:

a.   a transport-independent tasks module having an RTP transmitter module and an

RTP receiver module, wherein the RTP transmitter module and the RTP receiver module

are independent of a first underlying transport layer (RFC 1889 abstract and section 1);

and

b.   a connector module having an RTP output stream method in communication with

the RTP transmitter module, and an RTP input stream method in communication with the

RTP receiver module, wherein the RTP output stream method and the RTP input stream

provide access to the first underlying transport layer (RFC 1889 section 7.1, definitions

of translator and mixer; and section 10).

14.   Referring to claims 14 and 18, RFC 1889 has taught the transport-independent RTP stack

wherein the RTP output stream method returns an RTP output stream to the RTP transmitter

module (RFC 1889 section 7.1, definitions of translator and mixer).

15.   Referring to claims 15 and 19, RFC 1889 has taught the transport-independent RTP stack

wherein the RTP input stream method returns an RTP input stream to the RTP receiver module

(RFC 1889 section 7.1, definitions of translator and mixer).

16.   Referring to claims 16 and 17, RFC 1889 has taught the transport-independent RTP stack

wherein the transport-independent tasks module further includes a real-time transport control

protocol (RTCP) transmitter module and an RTCP receiver module which are independent of the

first underlying transport layer (RFC 1889 abstract; section 1; and section 6.2, paragraphs 1-4).

17.   Referring to claim 20, RFC 1889 has taught the transport-independent RTP stack wherein

the connector module can be modified to operate utilizing a second underlying transport without

modifying the transport-independent tasks module (RFC 1889 abstract; section 1; section 3,

definitions of port, transport address, RTP session, Synchronization source, and contributing source; section 6.2, paragraphs 1-4; section 7.1, definitions of translator and mixer; and section 10).

Conclusion

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 571.272.3934. The examiner can normally be reached on Mon.-Fri. 8:00 am - 4:30 pm.
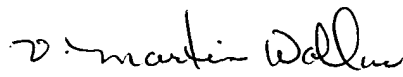
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571.272.6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
June 3, 2005

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER